

SENATE BILL 660

P4, M1

0lr2515
CF HB 989

By: **Senator Klausmeier**

Introduced and read first time: February 5, 2010

Assigned to: Finance and Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 6, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Natural Resources Law Enforcement Officers –**
3 **Appointment to Major or Lieutenant Colonel**

4 FOR the purpose of authorizing the Secretary of Natural Resources to appoint a
5 certain law enforcement officer to the rank of Major or Lieutenant Colonel
6 without examination; establishing that a certain law enforcement officer
7 appointed in accordance with certain provisions of this Act continues to serve at
8 the pleasure of the Secretary; providing that on termination of a certain
9 appointment, the Secretary may return a certain law enforcement officer ~~may~~
10 ~~return~~ to a certain ~~rank~~ vacant position or ~~be promoted~~ promote the law
11 enforcement officer to a certain higher rank under certain circumstances;
12 establishing that in cases of inconsistency between certain provisions of this Act
13 and certain other provisions of law, certain provisions of this Act shall control as
14 to certain matters; making certain conforming changes; providing for the
15 application of certain provisions of this Act; and generally relating to law
16 enforcement officers of the Department of Natural Resources.

17 BY adding to

18 Article – Natural Resources

19 Section 1–107

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 1–203 and 5–206
 2 Annotated Code of Maryland
 3 (2005 Replacement Volume and 2009 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Natural Resources**

7 **1–107.**

8 (A) THIS SECTION APPLIES TO NATURAL RESOURCES POLICE
 9 OFFICERS AND EMPLOYEES COMMISSIONED AS LAW ENFORCEMENT OFFICERS
 10 OF THE STATE FOREST AND PARK SERVICE.

11 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
 12 SECRETARY MAY APPOINT WITHOUT EXAMINATION:

13 (I) A LAW ENFORCEMENT OFFICER WHO HOLDS A
 14 COMMISSIONED RANK TO THE RANK OF MAJOR; AND

15 (II) A LAW ENFORCEMENT OFFICER WHO HOLDS A
 16 COMMISSIONED RANK OF NOT LESS THAN CAPTAIN TO THE RANK OF
 17 LIEUTENANT COLONEL.

18 (2) A LAW ENFORCEMENT OFFICER APPOINTED IN ACCORDANCE
 19 WITH THIS SUBSECTION CONTINUES TO SERVE AT THE PLEASURE OF THE
 20 SECRETARY.

21 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON
 22 TERMINATION OF AN APPOINTMENT UNDER THIS SUBSECTION, THE ~~LAW~~
 23 ~~ENFORCEMENT OFFICER~~ SECRETARY MAY:

24 (I) ~~RETURN TO THE RANK HELD BEFORE THE~~
 25 ~~APPOINTMENT~~ THE LAW ENFORCEMENT OFFICER TO A VACANT LAW
 26 ENFORCEMENT OFFICER POSITION; OR

27 (II) ~~BE PROMOTED~~ PROMOTE THE LAW ENFORCEMENT
 28 OFFICER TO A HIGHER RANK TO WHICH THE LAW ENFORCEMENT OFFICER
 29 BECAME ELIGIBLE FOR PROMOTION DURING THE APPOINTMENT.

30 (C) IN CASES OF INCONSISTENCY BETWEEN THIS SECTION AND THE
 31 PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE
 32 PROVISIONS OF THIS SECTION SHALL CONTROL AS TO ALL MATTERS RELATING

1 **TO THE APPOINTMENT OF A LAW ENFORCEMENT OFFICER OF THE DEPARTMENT**
2 **TO THE RANK OF MAJOR OR LIEUTENANT COLONEL.**

3 1–203.

4 (a) The Secretary shall, within the limits of any appropriation made for this
5 purpose, appoint Natural Resources police officers as the Secretary deems necessary
6 for the efficient administration of the Natural Resources Police Force. All
7 appointments shall be made from a list of eligible persons prepared in accordance with
8 the provisions of the State Personnel and Pensions Article.

9 (b) The Secretary shall issue to each person appointed as Natural Resources
10 police officer a commission and badge stating “Natural Resources Police Officer”.

11 (c) Except when on detective duty, every Natural Resources police officer
12 shall wear in plain view a “Natural Resources Police Officer” badge when acting in his
13 official capacity.

14 (d) The badge is property of the State, and upon the termination of a
15 commission of any Natural Resources police officer, it shall be returned with the
16 commission to the Secretary.

17 (e) All Natural Resources police officers, including persons appointed for
18 training prior to regular assignment as a Natural Resources police officer, shall
19 remain in a probationary status for a period of 2 years from the date of initial
20 appointment to the Natural Resources Police Force. The Secretary may discharge an
21 employee in probationary status for any cause which is deemed sufficient in the sole
22 discretion of the Secretary.

23 (f) **[In] SUBJECT TO § 1–107 OF THIS ARTICLE, IN** cases of inconsistency
24 between this subtitle and the provisions of the State Personnel and Pensions Article,
25 the provisions of this subtitle shall control as to all matters relating to the Natural
26 Resources Police Force.

27 5–206.

28 (a) The Secretary may commission any person to act as a forest or park
29 warden, subject to removal at any time at the pleasure of the Secretary. While holding
30 office, a warden has and may exercise the authority and power of a Natural Resources
31 police officer or a law enforcement officer as provided in his commission so far as
32 arresting and prosecuting persons for violations of any forest or park laws or of the
33 laws, rules and regulations enacted for the protection of the State forestry
34 reservations, State parks, historic monuments, recreation areas, or for the protection
35 of fish and game.

36 (b) The Secretary shall, within the limits of any appropriation made for this
37 purpose, commission forest, park, and wildlife rangers as the Secretary deems

1 necessary for the enforcement of laws and regulations as provided in this subsection.
2 All appointments shall be made from a list of eligible persons prepared in accordance
3 with the provisions of the State Personnel and Pensions Article. An employee so
4 commissioned and assigned law enforcement duties has and may exercise the powers
5 of a Natural Resources police officer or a law enforcement officer of the State. These
6 powers may be exercised upon:

7 (1) Properties owned by the State and managed by the Department;

8 (2) Railroad rights-of-way and utility properties which are not owned
9 by the State, but which traverse properties owned by the State and managed by the
10 Department;

11 (3) All public and private properties which are within the boundaries
12 of State properties managed by the Department;

13 (4) All waters of the State within one mile of the shoreline of all
14 properties owned by the Department;

15 (5) All public and private property adjoining property owned by the
16 State and managed by the Department;

17 (6) All park property in Maryland owned by the federal government;

18 (7) All roadways within the boundaries of or that portion of roadway
19 adjoining properties owned by the State and managed by the Department; and

20 (8) Any property in Maryland for the purpose of executing a warrant
21 that has resulted from law enforcement activities on property on which a forest, park,
22 and wildlife ranger may exercise law enforcement powers.

23 (c) In exercising the powers granted under subsection (b) of this section, the
24 law enforcement officer shall make every attempt to minimize delay of the operations
25 of railroads and all utilities.

26 (d) Unless the Department has a signed memorandum of understanding with
27 the law enforcement agency with primary jurisdiction over the property, a forest, park,
28 and wildlife ranger may not exercise law enforcement powers under the provisions of
29 subsection (b)(3) and (5) of this section.

30 (e) All forest, park, and wildlife rangers, including persons appointed for
31 training prior to regular assignment as a ranger, shall remain in a probationary status
32 for a period of 2 years from the date of initial appointment. The Secretary may
33 discharge an employee in probationary status for any cause which is deemed sufficient
34 in the sole discretion of the Secretary.

1 (f) (1) Whenever Natural Resources police officers receive a salary
2 increase, forest and park rangers in the State Forest and Park Service shall receive a
3 salary increase in the same percentage as the salary increase received by Natural
4 Resources police officers.

5 (2) Whenever Natural Resources police officers receive a grade or step
6 increase, forest and park rangers in the State Forest and Park Service shall receive an
7 equal grade or step increase.

8 (g) [In] **SUBJECT TO § 1-107 OF THIS ARTICLE, IN** cases of inconsistency
9 between this subtitle and the provisions of the State Personnel and Pensions Article,
10 the provisions of this subtitle shall control as to all matters relating to Natural
11 Resources law enforcement officers.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.